

Private Calendar No. 16

103D CONGRESS  
2D SESSION

**H. R. 4862**

[Report No. 103-852]

**A BILL**

For the relief of INSLAW, INC., a Delaware Corporation, and William A. Hamilton and Nancy Hamilton, individually.

OCTOBER 7, 1994

Reported with an amendment, committed to the Committee of the Whole House, and ordered to be printed

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### IN THE HOUSE OF REPRESENTATIVES

JULY 29, 1994

Mr. ROSE introduced the following bill; which was referred to the Committee  
on the Judiciary

OCTOBER 7, 1994

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[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on July 29, 1994]

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## A BILL

For the relief of INSLAW, INC., a Delaware Corporation,  
and William A. Hamilton and Nancy Hamilton, individually.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. FINDINGS.**

4       *The Congress finds that—*

1           (1) *in assessing the merits of certain claims put*  
2           *forward against the United States, two Federal courts*  
3           *have ruled in favor of INSLAW, Inc. and William A.*  
4           *Hamilton and Nancy Burke Hamilton; and*

5           (2) *one of the recommendations of the 1992 in-*  
6           *vestigative report by the Committee on the Judiciary*  
7           *entitled “The Inslaw Affair” was that the Committee*  
8           *should consider at a future date whether to adopt leg-*  
9           *islation authorizing a claim against the United*  
10          *States pursuant to section 1492 of title 28, United*  
11          *States Code.*

12       **SEC. 2. JURISDICTION.**

13          *Jurisdiction is conferred upon the United States Court*  
14          *of Federal Claims to hear, determine, and render judgment*  
15          *upon the claims of INSLAW, Inc., a Delaware Corporation*  
16          *(hereinafter referred to as “INSLAW”) and William A.*  
17          *Hamilton and Nancy Burke Hamilton, individually, which*  
18          *claims arise out of the furnishing of computer software and*  
19          *services to the United States Department of Justice.*

20       **SEC. 3. SATISFACTION OF CLAIMS AGAINST THE UNITED**  
21               **STATES.**

22          *If the judgment in any action brought under section*  
23          *2 is for INSLAW or William A. Hamilton and Nancy*  
24          *Burke Hamilton, individually, or both, the Secretary of the*  
25          *Treasury shall pay, in accordance with such judgment and*

1 *out of money in the Treasury not otherwise appropriated,*  
 2 *to INSLAW or William A. Hamilton and Nancy Burke*  
 3 *Hamilton, individually, or both, an amount of money in*  
 4 *compensation for damages to INSLAW or William A. Ham-*  
 5 *ilton and Nancy Burke Hamilton, individually, or both, for*  
 6 *claims that arise out of the furnishing of computer software*  
 7 *and services to the Department of Justice.*

8 **SEC. 4. WAIVER OF SOVEREIGN IMMUNITY AND DEFENSES.**

9       (a) *SOVEREIGN IMMUNITY.*—Any available defense of  
 10 *sovereign immunity of the United States, the Department*  
 11 *of Justice, any other United States government agency, or*  
 12 *any United States government official, officer, agent, or em-*  
 13 *ployee is specifically waived as to the respective claims of*  
 14 *INSLAW, William A. Hamilton, and Nancy Burke Hamil-*  
 15 *ton and any amount payable to them under section 3.*

16       (b) *PAYMENT OF CLAIMS.*—If in any action brought  
 17 *under section 2 the court finds in favor of INSLAW or Wil-*  
 18 *liam A. Hamilton and Nancy Burke Hamilton, individ-*  
 19 *ually, or both, the such parties shall be entitled to payment*  
 20 *of such claims as determined in such action notwithstand-*  
 21 *ing any defense pertaining to statute of limitation, laches,*  
 22 *estoppel, including judicial estoppel, equitable estoppel, col-*  
 23 *lateral estoppel, estoppel by judgment, and promissory es-*  
 24 *toppel, res judicata, failure to exhaust all legal remedies,*  
 25 *administrative or otherwise, or pendency of claims in others*

1 *courts, tribunals or departments, all such defenses being*  
2 *hereby waived with respect to the claims of INSLAW and*  
3 *William A. Hamilton and Nancy Burke Hamilton, individ-*  
4 *ually, and the amounts payable under section 3.*

5       *(c) SATISFACTION OF CLAIMS.—Any amount payable*  
6 *under section 3 shall be in satisfaction of all claims, legal*  
7 *or equitable, by INSLAW, William A. Hamilton and Nancy*  
8 *Burke Hamilton, individually, against the United States*  
9 *of America, any agency thereof, or its officials, officers, em-*  
10 *ployees, or agents.*